

AF+GP-3736

\$

#10



**BOX AF - EXPEDITED  
PROCEDURE REQUESTED**

**PATENT**

Attorney Docket No. 6530.0095-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Thomas O. BALES et al. )  
Serial No.: 08/928,453 )  
Filed: September 12, 1997 )  
For: RADIAL JAW BIOPSY FORCEPS )

Group Art Unit: 3736

Examiner: Samuel Gilbert

RECEIVED  
AUG 12 1999  
TC 3700 MAIL ROOM

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE UNDER 37 C.F.R. § 1.116**

In response to the Office Action dated May 14, 1999, the period for response to which extends through August 14, 1999, and pursuant to 37 C.F.R. § 1.116, Applicants request that the enclosed terminal disclaimer be entered and approved.

In the final Office Action, the Examiner rejected claims 22-63 under the judicially created doctrine of double patenting over claims 1-3 of U.S. Patent No. 5,133,727 and over claims 1-21 of U.S. Patent No. 5,507,296. The Examiner indicated that a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) would overcome the

**LAW OFFICES**

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, D. C. 20005  
202-408-4000

double patenting rejection. Although Applicants do not necessarily agree with the Examiner's rejection, a terminal disclaimer has been filed in order to further expedite the prosecution of this application and place this application in condition for allowance. Applicants respectfully request the timely allowance of pending claims 22-24, 27, 33-37, 39-44, 46-48, 51, 57-62, and 64-70.

Also in the Office Action, the Examiner indicated that the application has been filed with informal drawings and that formal drawings would be required upon allowance. Applicants filed formal drawings with this application, as indicated on the application of September 12, 1997. Applicants nonetheless have submitted new formal drawings with this response, taking into account the draftsperson's comments in the PTO-948 accompanying the December 17, 1998 Office Action. Applicants request approval of these drawings.

If a conference would help expedite prosecution, please call the undersigned representative of Applicants at (202) 408-4140 to arrange such a conference.